

The House Committee on Judiciary offers the following substitute to HB 852:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 4 of Title 40 of the Official Code of Georgia Annotated, relating to purchase and resale of used motor vehicles, used parts, and farm tractors, so as to provide definitions; to provide a penalty for nondisclosure of known defects by a seller of a used car; to provide a penalty for alteration of a document to conceal damage to a used car; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 4 of Title 40 of the Official Code of Georgia Annotated, relating to purchase and resale of used motor vehicles, used parts, and farm tractors, is revised by adding a new Code section to read as follows:

"40-4-44.1.

(a) As used in this Code section, the term:

(1) 'Conventional frame or uni-body structure damage' means damage to any of the following motor vehicle components:

(A) Front, center, and rear frame rails;

(B) Spring pod;

(C) Torque box;

(D) Stabilizer mount;

(E) Cross member, but not including bolt-ons;

(F) Apron upper reinforcement rails;

(G) Strut tower;

(H) Cowl panel or firewall, but not including cowl vent panel;

(I) Support pillars;

(J) Roof;

(K) Outer and inner rocker panel;

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(L) Floor panels; or

(M) Quarter or cab panel.

(2) 'Ten model years' shall be calculated by subtracting the model year of the vehicle's manufacture from the current calendar year.

(b) Any person who sells or trades a used motor vehicle shall disclose to the purchaser or recipient of such vehicle any known conventional frame or uni-body structure damage to such vehicle, whether or not such damage has been repaired. Withholding the information regarding known conventional frame or uni-body structure damage to the vehicle from the purchaser or recipient of the vehicle shall be punishable as provided in subsection (e) of this Code section.

(c) Any person who alters a document that evidences known conventional frame or uni-body structure damage to a used passenger car in order to conceal the evidence of such defects or damage to such vehicle and uses the altered document in the sale or trade of the motor vehicle upon conviction thereof shall be subject to the punishment provided in subsection (e) of this Code section.

(d) This Code section shall not be applicable to assembled motor vehicles or kit motor vehicles, as those terms are defined in Code Section 40-3-30.1, or to used motor vehicles that are more than ten model years old. This Code section shall not be construed to affect any other laws of general applicability to all businesses, including, without limitation, consumer protection laws and laws relating to restraint of trade.

(e) Any person violating subsection (b) of this Code section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding three months, or both. Any person violating subsection (c) of this Code section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months, or both."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to transactions occurring on or after that date.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.